



Sen. Jacqueline Y. Collins

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1 AMENDMENT TO SENATE BILL 2579

2 AMENDMENT NO. _____. Amend Senate Bill 2579 by replacing
3 everything after the enacting clause with the following:

4 "Section 2. The Illinois Economic Opportunity Act is
5 amended by changing Section 2 as follows:

6 (20 ILCS 625/2) (from Ch. 127, par. 2602)

7 Sec. 2. (a) The Director of Commerce and Economic
8 Opportunity ~~the Department of Commerce & Community Affairs~~ is
9 authorized to administer the federal community services block
10 program, ~~low income home energy assistance program,~~
11 ~~weatherization assistance program,~~ emergency community
12 services homeless grant program, and other federal programs
13 that require or give preference to community action agencies
14 for local administration in accordance with federal laws and
15 regulations as amended. The Director shall provide financial
16 assistance to community action agencies from community service
17 block grant funds and other federal funds requiring or giving
18 preference to community action agencies for local
19 administration for the programs described in Section 4. The
20 Director of Healthcare and Family Services is authorized to
21 administer the federal low-income home energy assistance
22 program and weatherization assistance program in accordance
23 with federal laws and regulations as amended.

24 (b) Funds appropriated for use by community action agencies

1 in community action programs shall be allocated annually to
2 existing community action agencies or newly formed community
3 action agencies by the Department of Commerce and Economic
4 Opportunity ~~Community Affairs~~. Allocations will be made
5 consistent with duly enacted departmental rules.

6 (Source: P.A. 87-926; revised 12-6-03.)

7 Section 5. The State Finance Act is amended by changing
8 Section 8h as follows:

9 (30 ILCS 105/8h)

10 Sec. 8h. Transfers to General Revenue Fund.

11 (a) Except as provided in subsection (b), notwithstanding
12 any other State law to the contrary, the Governor may, through
13 June 30, 2007, from time to time direct the State Treasurer and
14 Comptroller to transfer a specified sum from any fund held by
15 the State Treasurer to the General Revenue Fund in order to
16 help defray the State's operating costs for the fiscal year.
17 The total transfer under this Section from any fund in any
18 fiscal year shall not exceed the lesser of (i) 8% of the
19 revenues to be deposited into the fund during that fiscal year
20 or (ii) an amount that leaves a remaining fund balance of 25%
21 of the July 1 fund balance of that fiscal year. In fiscal year
22 2005 only, prior to calculating the July 1, 2004 final
23 balances, the Governor may calculate and direct the State
24 Treasurer with the Comptroller to transfer additional amounts
25 determined by applying the formula authorized in Public Act
26 93-839 to the funds balances on July 1, 2003. No transfer may
27 be made from a fund under this Section that would have the
28 effect of reducing the available balance in the fund to an
29 amount less than the amount remaining unexpended and unreserved
30 from the total appropriation from that fund estimated to be
31 expended for that fiscal year. This Section does not apply to
32 any funds that are restricted by federal law to a specific use,

1 to any funds in the Motor Fuel Tax Fund, the Intercity
2 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid
3 Provider Relief Fund, the Teacher Health Insurance Security
4 Fund, the Reviewing Court Alternative Dispute Resolution Fund,
5 ~~or~~ the Voters' Guide Fund, the Foreign Language Interpreter
6 Fund, the Lawyers' Assistance Program Fund, the Supreme Court
7 Federal Projects Fund, the Supreme Court Special State Projects
8 Fund, the Supplemental Low-Income Energy Assistance Fund, the
9 Good Samaritan Energy Trust Fund, ~~or~~ the Low-Level Radioactive
10 Waste Facility Development and Operation Fund, or the Hospital
11 Basic Services Preservation Fund, or to any funds to which
12 subsection (f) of Section 20-40 of the Nursing and Advanced
13 Practice Nursing Act applies. No transfers may be made under
14 this Section from the Pet Population Control Fund.
15 Notwithstanding any other provision of this Section, for fiscal
16 year 2004, the total transfer under this Section from the Road
17 Fund or the State Construction Account Fund shall not exceed
18 the lesser of (i) 5% of the revenues to be deposited into the
19 fund during that fiscal year or (ii) 25% of the beginning
20 balance in the fund. For fiscal year 2005 through fiscal year
21 2007, no amounts may be transferred under this Section from the
22 Road Fund, the State Construction Account Fund, the Criminal
23 Justice Information Systems Trust Fund, the Wireless Service
24 Emergency Fund, or the Mandatory Arbitration Fund.

25 In determining the available balance in a fund, the
26 Governor may include receipts, transfers into the fund, and
27 other resources anticipated to be available in the fund in that
28 fiscal year.

29 The State Treasurer and Comptroller shall transfer the
30 amounts designated under this Section as soon as may be
31 practicable after receiving the direction to transfer from the
32 Governor.

33 (b) This Section does not apply to: (i) the Ticket For The
34 Cure Fund; (ii) ~~or to~~ any fund established under the Community

1 Senior Services and Resources Act; or (iii) ~~(ii)~~ on or after
2 January 1, 2006 (the effective date of Public Act 94-511) ~~this~~
3 ~~amendatory Act of the 94th General Assembly~~, the Child Labor
4 and Day and Temporary Labor Enforcement Fund.

5 (c) This Section does not apply to the Demutualization
6 Trust Fund established under the Uniform Disposition of
7 Unclaimed Property Act.

8 (d) ~~(e)~~ This Section does not apply to moneys set aside in
9 the Illinois State Podiatric Disciplinary Fund for podiatric
10 scholarships and residency programs under the Podiatric
11 Scholarship and Residency Act.

12 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
13 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
14 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
15 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.
16 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,
17 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;
18 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; revised 1-23-06.)

19 Section 10. The Illinois Income Tax Act is amended by
20 adding Section 507MM as follows:

21 (35 ILCS 5/507MM new)

22 Sec. 507MM. Supplemental Low-Income Energy Assistance Fund
23 checkoff. Beginning with taxable years ending on December 31,
24 2006, the Department shall print on its standard individual
25 income tax form a provision indicating that if the taxpayer
26 wishes to contribute to the Supplemental Low-Income Energy
27 Assistance Fund as authorized by this amendatory Act of the
28 94th General Assembly, he or she may do so by stating the
29 amount of the contribution (not less than \$1) on the return and
30 that the contribution will reduce the taxpayer's refund or
31 increase the amount of the payment to accompany the return.
32 Failure to remit any amount of increased payment shall reduce

1 the contribution accordingly. This Section shall not apply to
2 an amended return.

3 Section 15. The Energy Assistance Act is amended by
4 changing Sections 2, 3, 4, 8, and 13 and by adding Section 15
5 as follows:

6 (305 ILCS 20/2) (from Ch. 111 2/3, par. 1402)

7 Sec. 2. Findings and Intent.

8 (a) The General Assembly finds that:

9 (1) the health, welfare, and prosperity of the people
10 of the State of Illinois require that all citizens receive
11 essential levels of heat and electric service regardless of
12 economic circumstance;

13 (2) public utilities and other entities providing such
14 services are entitled to receive proper payment for
15 services actually rendered;

16 (3) declining Federal low income energy assistance
17 funding necessitates a State response to ensure the
18 continuity and the further development of energy
19 assistance and related policies and programs within
20 Illinois; and

21 (4) energy assistance policies and programs in effect
22 in Illinois ~~during the past 3 years~~ have benefited all
23 Illinois citizens, and should therefore be continued with
24 the modifications provided herein.

25 (b) Consistent with its findings, the General Assembly
26 declares that it is the policy of the State that:

27 (1) a comprehensive low income energy assistance
28 policy and program should be established which
29 incorporates income assistance, home weatherization, and
30 other measures to ensure that citizens have access to
31 affordable energy services;

32 (2) the ability of public utilities and other entities

1 to receive just compensation for providing services should
2 not be jeopardized by this policy;

3 (3) resources applied in achieving this policy should
4 be coordinated and efficiently utilized through the
5 integration of public programs and through the targeting of
6 assistance; and

7 (4) the State should utilize all appropriate and
8 available means to fund this program and, to the extent
9 possible, should identify and utilize sources of funding
10 which complement State tax revenues.

11 (Source: P.A. 92-690, eff. 7-18-02.)

12 (305 ILCS 20/3) (from Ch. 111 2/3, par. 1403)

13 Sec. 3. Definitions. As used in this Act, unless the
14 context otherwise requires:

15 (a) the terms defined in Sections 3-101 through 3-121 of
16 The Public Utilities Act have the meanings ascribed to them in
17 that Act;

18 (b) "Department" means the Department of Healthcare and
19 Family Services ~~Commerce and Community Affairs~~;

20 (c) "energy provider" means any utility, municipal
21 utility, cooperative utility, or any other corporation or
22 individual which provides winter energy services;

23 (d) "winter" means the period from November 1 of any year
24 through April 30 of the following year.

25 (Source: P.A. 86-127; 87-14; revised 12-6-03.)

26 (305 ILCS 20/4) (from Ch. 111 2/3, par. 1404)

27 Sec. 4. Energy Assistance Program.

28 (a) The Department of Healthcare and Family Services
29 ~~Commerce and Community Affairs~~ is hereby authorized to
30 institute a program to ensure the availability and
31 affordability of heating and electric service to low income
32 citizens. The Department shall implement the program by rule

1 promulgated pursuant to The Illinois Administrative Procedure
2 Act. The program shall be consistent with the purposes and
3 objectives of this Act and with all other specific requirements
4 provided herein. The Department may enter into such contracts
5 and other agreements with local agencies as may be necessary
6 for the purpose of administering the energy assistance program.

7 (b) Nothing in this Act shall be construed as altering or
8 limiting the authority conferred on the Illinois Commerce
9 Commission by the Public Utilities Act to regulate all aspects
10 of the provision of public utility service, including but not
11 limited to the authority to make rules and adjudicate disputes
12 between utilities and customers related to eligibility for
13 utility service, deposits, payment practices, discontinuance
14 of service, and the treatment of arrearages owing for
15 previously rendered utility service.

16 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

17 (305 ILCS 20/8) (from Ch. 111 2/3, par. 1408)

18 Sec. 8. Program Reports.

19 (a) The Department of Natural Resources shall prepare and
20 submit to the Governor and the General Assembly reports on
21 September 30 biennially, beginning in 2003, evaluating the
22 effectiveness of the energy assistance and weatherization
23 policies authorized by this Act. The first report shall cover
24 such effects during the first winter during which the program
25 authorized by this Act, is in operation, and successive reports
26 shall cover effects since the issuance of the preceding report.

27 (1) Reports issued pursuant to this Section shall be
28 limited to, information concerning the effects of the
29 policies authorized by this Act on (1) the ability of
30 eligible applicants to obtain and maintain adequate and
31 affordable winter energy services and (2) changes in the
32 costs and prices of winter energy services for people who
33 do not receive energy assistance pursuant to this Act.

1 (2) The Department of Natural Resources shall by
2 September 30, 2002, in consultation with the Policy
3 Advisory Council, determine the kinds of numerical and
4 other information needed to conduct the evaluations
5 required by this Section, and shall advise the Policy
6 Advisory Council of such information needs in a timely
7 manner. The Department of Healthcare and Family Services
8 ~~Commerce and Community Affairs~~, the Department of Human
9 Services, and the Illinois Commerce Commission shall each
10 provide such information as the Department of Natural
11 Resources may require to ensure that the evaluation
12 reporting requirement established by this Section can be
13 met.

14 (b) On or before December 31, 2002, 2004, 2006, and 2007,
15 the Department shall prepare a report for the General Assembly
16 on the expenditure of funds appropriated for the programs
17 authorized under this Act.

18 (c) On or before December 31 of each year in 2004, 2006,
19 and 2007, the Department shall, in consultation with the
20 Council, prepare and submit evaluation reports to the Governor
21 and the General Assembly outlining the effects of the program
22 designed under this Act on the following as it relates to the
23 propriety of continuing the program:

24 (1) the definition of an eligible low income
25 residential customer;

26 (2) access of low income residential customers to
27 essential energy services;

28 (3) past due amounts owed to utilities by low income
29 persons in Illinois;

30 (4) appropriate measures to encourage energy
31 conservation, efficiency, and responsibility among low
32 income residential customers;

33 (5) the activities of the Department in the development
34 and implementation of energy assistance and related

1 policies and programs, which characterizes progress toward
2 meeting the objectives and requirements of this Act, and
3 which recommends any statutory changes which might be
4 needed to further such progress.

5 (d) The Department shall by September 30, 2002 in
6 consultation with the Council determine the kinds of numerical
7 and other information needed to conduct the evaluations
8 required by this Section.

9 (e) The Illinois Commerce Commission shall require each
10 public utility providing heating or electric service to compile
11 and submit any numerical and other information needed by the
12 Department of Natural Resources to meet its reporting
13 obligations.

14 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

15 (305 ILCS 20/13)

16 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

17 (a) The Supplemental Low-Income Energy Assistance Fund is
18 hereby created as a special fund in the State Treasury. The
19 Supplemental Low-Income Energy Assistance Fund is authorized
20 to receive, by statutory deposit, the moneys collected pursuant
21 to this Section. The Fund is also authorized to receive private
22 corporate donations as well as contributions made in accordance
23 with Section 507MM of the Illinois Income Tax Act. Subject to
24 appropriation, the Department shall use moneys from the
25 Supplemental Low-Income Energy Assistance Fund for payments to
26 electric or gas public utilities, municipal electric or gas
27 utilities, and electric cooperatives on behalf of their
28 customers who are participants in the program authorized by
29 Section 4 of this Act, for the provision of weatherization
30 services and for administration of the Supplemental Low-Income
31 Energy Assistance Fund. The yearly expenditures for
32 weatherization may not exceed 10% of the amount collected
33 during the year pursuant to this Section. The yearly

1 administrative expenses of the Supplemental Low-Income Energy
2 Assistance Fund may not exceed 10% of the amount collected
3 during that year pursuant to this Section.

4 (b) Notwithstanding the provisions of Section 16-111 of the
5 Public Utilities Act but subject to subsection (k) of this
6 Section, each public utility, electric cooperative, as defined
7 in Section 3.4 of the Electric Supplier Act, and municipal
8 utility, as referenced in Section 3-105 of the Public Utilities
9 Act, that is engaged in the delivery of electricity or the
10 distribution of natural gas within the State of Illinois shall,
11 effective January 1, 1998, assess each of its customer accounts
12 a monthly Energy Assistance Charge for the Supplemental
13 Low-Income Energy Assistance Fund. The delivering public
14 utility, municipal electric or gas utility, or electric or gas
15 cooperative for a self-assessing purchaser remains subject to
16 the collection of the fee imposed by this Section. The monthly
17 charge shall be as follows:

18 (1) \$0.40 per month on each account for residential
19 electric service;

20 (2) \$0.40 per month on each account for residential gas
21 service;

22 (3) \$4 per month on each account for non-residential
23 electric service which had less than 10 megawatts of peak
24 demand during the previous calendar year;

25 (4) \$4 per month on each account for non-residential
26 gas service which had distributed to it less than 4,000,000
27 therms of gas during the previous calendar year;

28 (5) \$300 per month on each account for non-residential
29 electric service which had 10 megawatts or greater of peak
30 demand during the previous calendar year; and

31 (6) \$300 per month on each account for non-residential
32 gas service which had 4,000,000 or more therms of gas
33 distributed to it during the previous calendar year.

34 (c) For purposes of this Section:

1 (1) "residential electric service" means electric
2 utility service for household purposes delivered to a
3 dwelling of 2 or fewer units which is billed under a
4 residential rate, or electric utility service for
5 household purposes delivered to a dwelling unit or units
6 which is billed under a residential rate and is registered
7 by a separate meter for each dwelling unit;

8 (2) "residential gas service" means gas utility
9 service for household purposes distributed to a dwelling of
10 2 or fewer units which is billed under a residential rate,
11 or gas utility service for household purposes distributed
12 to a dwelling unit or units which is billed under a
13 residential rate and is registered by a separate meter for
14 each dwelling unit;

15 (3) "non-residential electric service" means electric
16 utility service which is not residential electric service;
17 and

18 (4) "non-residential gas service" means gas utility
19 service which is not residential gas service.

20 (d) At least 45 days prior to the date on which it must
21 begin assessing Energy Assistance Charges, each public utility
22 engaged in the delivery of electricity or the distribution of
23 natural gas shall file with the Illinois Commerce Commission
24 tariffs incorporating the Energy Assistance Charge in other
25 charges stated in such tariffs.

26 (e) The Energy Assistance Charge assessed by electric and
27 gas public utilities shall be considered a charge for public
28 utility service.

29 (f) By the 20th day of the month following the month in
30 which the charges imposed by the Section were collected, each
31 public utility, municipal utility, and electric cooperative
32 shall remit to the Department of Revenue all moneys received as
33 payment of the Energy Assistance Charge on a return prescribed
34 and furnished by the Department of Revenue showing such

1 information as the Department of Revenue may reasonably
2 require. If a customer makes a partial payment, a public
3 utility, municipal utility, or electric cooperative may elect
4 either: (i) to apply such partial payments first to amounts
5 owed to the utility or cooperative for its services and then to
6 payment for the Energy Assistance Charge or (ii) to apply such
7 partial payments on a pro-rata basis between amounts owed to
8 the utility or cooperative for its services and to payment for
9 the Energy Assistance Charge.

10 (g) The Department of Revenue shall deposit into the
11 Supplemental Low-Income Energy Assistance Fund all moneys
12 remitted to it in accordance with subsection (f) of this
13 Section.

14 (h) (Blank).

15 On or before December 31, 2002, the Department shall
16 prepare a report for the General Assembly on the expenditure of
17 funds appropriated from the Low-Income Energy Assistance Block
18 Grant Fund for the program authorized under Section 4 of this
19 Act.

20 (i) The Department of Revenue may establish such rules as
21 it deems necessary to implement this Section.

22 (j) The Department of Commerce and Economic Opportunity
23 ~~Community Affairs~~ may establish such rules as it deems
24 necessary to implement this Section.

25 (k) The charges imposed by this Section shall only apply to
26 customers of municipal electric or gas utilities and electric
27 or gas cooperatives if the municipal electric or gas utility or
28 electric or gas cooperative makes an affirmative decision to
29 impose the charge. If a municipal electric or gas utility or an
30 electric cooperative makes an affirmative decision to impose
31 the charge provided by this Section, the municipal electric or
32 gas utility or electric cooperative shall inform the Department
33 of Revenue in writing of such decision when it begins to impose
34 the charge. If a municipal electric or gas utility or electric

1 or gas cooperative does not assess this charge, the Department
2 may not use funds from the Supplemental Low-Income Energy
3 Assistance Fund to provide benefits to its customers under the
4 program authorized by Section 4 of this Act.

5 In its use of federal funds under this Act, the Department
6 may not cause a disproportionate share of those federal funds
7 to benefit customers of systems which do not assess the charge
8 provided by this Section.

9 This Section is repealed effective December 31, 2007 unless
10 renewed by action of the General Assembly. The General Assembly
11 shall consider the results of the evaluations described in
12 Section 8 in its deliberations.

13 (Source: P.A. 92-690, eff. 7-18-02; revised 12-6-03.)

14 (305 ILCS 20/15 new)

15 Sec. 15. Income tax checkoff. Each individual income tax
16 payer may contribute to the Supplemental Low-Income Energy
17 Assistance Fund through the income tax checkoff described in
18 Section 507MM of the Illinois Income Tax Act.

19 Section 20. The Good Samaritan Energy Plan Act is amended
20 by changing Section 5 as follows:

21 (305 ILCS 22/5)

22 Sec. 5. Definitions. In this Act:

23 "Department" means the Department of Healthcare and Family
24 Services ~~Commerce and Economic Opportunity~~.

25 "LIHEAP" means the energy assistance program established
26 under the Energy Assistance Act of 1989.

27 (Source: P.A. 93-285, eff. 7-22-03.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law."